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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,065	04/11/2000	Byron A. Alcorn	10981094-1	3670

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FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2671

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DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,065

Applicant(s)

ALCORN ET AL.

Examiner

Phu K. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-8,10,13,14,18-30 and 32-41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1 and 3 is/are rejected.

- 7) ☒ Claim(s) 4, 6-8, 10, 13-14, 18-30, and 32-41 is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

This is noted that there is a confusing issue on the number of claims. According to the original application, there are 35 claims which have been filed originally; then in Amendment A (filed 7/12/2002), Applicant added another six (6) claims which had been renumbered as claims 36-41; now, in Amendment B (filed 2/7/2003) Applicant cancelled claims 2 and 31 without prejudice or disclaimer. All the pending claims, except claims 1 and 3, have different versions in Applicant's and Examiner's files. Examiner attaches the original 35 claims for reference. Correction of the pending claims must be done to remove the confusion.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 4, 6-8, 10, 13-14, 18-30, and 32-41 must be renumbered and their contents must be matched the original submitted claims.

Claims 4, 6-8, 10, 13-14, 18-30, and 32-41 are objected due to their confusion and mismatched amendments. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over BECKWITH et al. (4,660,157).

As per claim 1, Beckwith teaches the claimed "graphics system" comprising:

"A 2D imaging pipeline" (Beckwith, column 5, lines 8-41).

It is noted that Beckwith does not explicitly teach the "Z coordinate" which defines an orthogonal distance from the view point to the image rendered at a pixel. However, Beckwith's elevation data (column 18, lines 42-46) supporting the perspective projection generating system (column 13, lines 26-31) suggests the orthogonal distance from the view point to the image rendered at a pixel or Z coordinate as claimed. Thus it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Beckwith's system as claimed because the generated perspective projection implies a "Z coordinate" which defines an orthogonal distance from the view point to the image rendered at a pixel.

Claim 3 adds into claim 1 "a rendering pipeline" which Beckwith teaches in column 11, lines 12-17.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Due to new ground of the rejection cited above, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6606 for regular communications and (703)308-6606 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3800.

Phu K. Nguyen
April 21, 2003

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2400